

REMARKS

This amendment is in response to the non-final Office Action mailed July 25, 2003.

DRAWINGS

Referring initially to paragraph 3 of the Office Action, Applicant expresses his gratitude for the Examiner's indication of the approval of the subject drawing sheets. Entry thereof is hereby respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112

The Examiner has rejected claims 12-20 as indefinite for failing to particularly point out and distinctly claim the subject invention. Reconsideration is respectfully requested.

Although Applicant respectfully disagrees with the Examiner's rejections, claims 12-20 have been amended herein to delete all phrases pertaining to "+/- about 20%". In place thereof, the phrase "approximately" has been inserted in the claims to qualify the recited dimensions. In this regard, the term "approximately" is added as a modifier to allow minor or insubstantial differences in the recited dimensions.

In addition, the dependency of claims 14 and 16 has been corrected.

In view of the above delineated amendments, withdrawal of the rejections of the subject claims is hereby requested.

REJECTIONS UNDER 35 U.S.C. §103

Claims 12-22 stand rejected as reciting only obvious subject matter over Lewis et al. in view of Kubis. In rejecting the subject claims, the Examiner acknowledges that no cited prior art reference teaches the recited dimensions as contained in the claims. The Examiner then writes in his rejection that, although not otherwise disclosed, the dimensions recited in the subject claims would have been discoverable employing "routine skill in the art". Reconsideration of these rejections is respectfully solicited.

It is well established law that when formulating an obviousness-type rejection by making modifications to a reference which, by itself, or in combination with another reference, does not teach the entirety (i.e. every element) of the claimed invention, there must be some incentive or motivation contained in one of the references to make the required changes in order for the modifications to constitute a proper rejection. If there is no motivation or incentive contained in any of the references to make the modifications to arrive at the claimed invention, the rejection is improper and should be withdrawn.

Applying these principles, then, it is respectfully pointed out that no reference cited by the Examiner acknowledges any of the problems that Applicant has solved through his unique modifications of known spray gun threads. In this regard, the instant invention, as claimed, reduces the clogging of threads with paint (as well as renders cleaning easier), improves the flow of paint through the paint gun by centering the air nozzle on the gun (as a result of the design of the inventive threads),

reduces the number of revolutions required to attach the gun body to the nozzle, and does not add significant weight to the body of the paint gun.

Because no reference cited by the Examiner discusses or even hints at any of the aforementioned problems solved by the claimed invention, there is no motivation or incentive to make the necessary modifications to the references to arrive at the claimed invention. Put more simply, unless the problems solved by Applicant were known, one of ordinary skill in the art would not have had any parameters in view of which to modify the cited references, and therefore could not have arrived at the subject invention by mere "optimization" as stated by the Examiner (i.e. you cannot "optimize" something without an end goal).

In view of the foregoing reasons, claims 12-22 are believed to recite non-obvious, patentable subject matter, and the rejections thereof are respectfully requested to be withdrawn. Although all issues are believed to have been resolved by these amendments and remarks, if any issues are deemed to remain, the Examiner is invited to contact the undersigned telephonically so that such issues can be resolved most expeditiously.

Respectfully submitted,



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